

**Executive Summary – Enforcement Matter – Case No. 44556**

**General Motors LLC**

**RN102505963**

**Docket No. 2012-1411-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

General Motors, 2525 East Abram Street, Arlington, Tarrant County

**Type of Operation:**

Automobile manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 19, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,125

**Amount Deferred for Expedited Settlement:** \$1,625

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,500

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 21, 2012

**Date(s) of NOE(s):** June 28, 2012

**Executive Summary – Enforcement Matter – Case No. 44556**  
**General Motors LLC**  
**RN102505963**  
**Docket No. 2012-1411-AIR-E**

***Violation Information***

1. Failed to submit a minor permit revision application for Federal Operating Permit (“FOP”) No. O1151. Specifically, a minor permit revision application to incorporate the requirements of 40 CODE OF FEDERAL REGULATIONS (“CFR”) Part 63, Subpart IIII was due to be submitted no later than April 26, 2007, but was not submitted until July 26, 2011 [30 TEX. ADMIN. CODE §§ 122.110(a) and 122.217(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1151, Special Terms and Conditions No. (1)(F)].
2. Failed to report all instances of deviations within 30 days after the end of the reporting period. Specifically, the semi-annual deviation reports for the reporting periods from April 26 through October 25, 2009, October 26, 2009 through April 25, 2010, April 26 through October 25, 2010, and October 26, 2010 through April 25, 2011 did not include the deviation for failing to submit a minor permit revision application for FOP No. O1151 in a timely manner [30 TEX. ADMIN. CODE § 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1151, General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. On November 14, 2011, reported the failure to submit a minor permit revision application to incorporate the requirements of 40 CFR Part 63, Subpart IIII by April 26, 2007 in the deviation report for the April 26, through October 25, 2011 reporting period; and
- b. On February 9, 2012, obtained the renewal of FOP No. O1151 that incorporated the requirements of 40 CFR Part 63, Subpart IIII.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 44556**  
**General Motors LLC**  
**RN102505963**  
**Docket No. 2012-1411-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division,  
Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Paul Graham, Plant Manager, General Motors LLC, 2525 East Abram  
Street, Arlington, Texas 76010

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES**

**Assigned PCW**

2-Jul-2012

10-Jun-2014

**Screening**

17-Jul-2012

**EPA Due**

22-Mar-2013

## RESPONDENT/FACILITY INFORMATION

**Respondent** General Motors LLC

**Reg. Ent. Ref. No.** RN102505963

**Facility/Site Region** 4-Dallas/Fort Worth

**Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 44556

**Docket No.** 2012-1411-AIR-E

**Media Program(s)** Air

**Multi-Media**

**No. of Violations** 2

**Order Type** 1660

**Government/Non-Profit** No

**Enf. Coordinator** Amancio R. Gutierrez

**EC's Team** Enforcement Team 5

**Admin. Penalty \$ Limit Minimum** \$0

**Maximum**

\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$12,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

-10.0%

Enhancement

**Subtotals 2, 3, & 7** -\$1,250

**Notes**

Reduction for high performer classification.

**Culpability**

No

0.0%

Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** -\$3,125

**Economic Benefit**

0.0% Enhancement\*

**Subtotal 6** \$0

Total EB Amounts \$1,318

Approx. Cost of Compliance \$10,250

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** \$8,125

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$8,125

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$8,125

## DEFERRAL

20.0%

Reduction

**Adjustment** -\$1,625

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$6,500

Screening Date 17-Jul-2012

Docket No. 2012-1411-AIR-E

PCW

Respondent General Motors LLC

Policy Revision 2 (September 2002)

Case ID No. 44556

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102505963

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Reduction for high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) -10%

Screening Date 17-Jul-2012

Docket No. 2012-1411-AIR-E

PCW

Respondent General Motors LLC

Policy Revision 2 (September 2002)

Case ID No. 44556

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102505963

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.110(a) and 122.217(a)(2), Tex. Health &amp; Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1151, Special Terms and Conditions No. (1)(F)

Violation Description

Failed to submit a minor permit revision application for FOP No. O1151. Specifically, a minor permit revision application to incorporate the requirements of 40 Code of Federal Regulations ("CFR") Part 63, Subpart IIII was due to be submitted no later than April 26, 2007, but was not submitted until July 26, 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

944 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on February 9, 2012, before the June 28, 2012 NOE.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,293

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

# Economic Benefit Worksheet

Respondent General Motors LLC

Case ID No. 44556

Reg. Ent. Reference No. RN102505963

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	10-Jul-2009	9-Feb-2012	2.59	\$1,293	n/a	\$1,293
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to incorporate the requirements of 40 CFR Part 63, Subpart IIII as part of the renewal for FOP No. O1151. The Date Required is the date of the ownership change and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,293



Screening Date 17-Jul-2012

Docket No. 2012-1411-AIR-E

PCW

Respondent General Motors LLC

Policy Revision 2 (September 2002)

Case ID No. 44556

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102505963

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 122.145(2), Tex. Health &amp; Safety Code § 382.085(b), and FOP No. 01151, General Terms and Conditions

## Violation Description

Failed to report all instances of deviations within 30 days after the end of the reporting period. Specifically, the semi-annual deviation reports for the reporting periods from April 26 through October 25, 2009, October 26, 2009 through April 25, 2010, April 26 through October 25, 2010, and October 26, 2010 through April 25, 2011 did not include the deviation for failing to submit a minor permit revision application for FOP No. 01151 in a timely manner.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 25%

Matrix Notes

More than 70% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 4

720 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10,000

Four single events are recommended for the four incomplete deviation reports.

## Good Faith Efforts to Comply

25.0% Reduction

\$2,500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent completed corrective measures on November 14, 2011, before the June 28, 2012 NOE.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$6,500

This violation Final Assessed Penalty (adjusted for limits) \$6,500

# Economic Benefit Worksheet

Respondent General Motors LLC

Case ID No. 44556

Reg. Ent. Reference No. RN102505963

Media Air

Violation No. 2

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	24-Nov-2009	14-Nov-2011	1.97	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to report the deviation. The Date Required is the date the first deviation report was due for the Respondent and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$25



# Compliance History Report

**PUBLISHED** Compliance History Report for CN603595646, RN102505963, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603595646, General Motors LLC	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Regulated Entity:</b>	RN102505963, GENERAL MOTORS	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Complexity Points:</b>	15	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	2525 E ABRAM ST ARLINGTON, TX 76010-1346, TARRANT COUNTY				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER TA0157I

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD008018004

**AIR NEW SOURCE PERMITS** PERMIT 19156

**AIR NEW SOURCE PERMITS** AFS NUM 4843900021

**AIR NEW SOURCE PERMITS** REGISTRATION 104578

**STORMWATER** PERMIT TXR05AJ73

**POLLUTION PREVENTION PLANNING** ID NUMBER P00275

**AIR OPERATING PERMITS** PERMIT 1151

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30347

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER TA0157I

**AIR NEW SOURCE PERMITS** REGISTRATION 96306

**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION  
539

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER TA0157I

<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b>	2013	<b>Rating Date:</b>	09/01/2013
<b>Date Compliance History Report Prepared:</b>	June 10, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	June 10, 2009 to June 10, 2014				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Amancio R. Gutierrez	<b>Phone:</b>	(512) 239-3921		

## Site and Owner/Operator History:

- Has the site been in existence and/or operation for the full five year compliance period? YES
- Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- If YES for #2, who is the current owner/operator?
  - BARTON-MARLOW COMPANY OPERATOR since 3/5/2012
  - CPC Arlington OWNER since 1/1/1800
  - General Motors Corporation OWNER OPERATOR since 1/1/1800
  - Morrison Knudsen OWNER since 8/18/1999
  - General Motors LLC OWNER OPERATOR since 7/10/2009
  - General Motors Company OWNER OPERATOR since 7/10/2009
  - MICHIGAN-COMMERCIAL CONTRACTING CORPORATION OPERATOR since 6/21/2012
  - GMVM Arlington Assembly, OPERATOR, 7/10/2009 to 7/10/2009
- If YES for #2, who was/were the prior owner(s)/operator(s)?
- If YES, when did the change(s) in owner or operator occur? 7/10/2009

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

N/A

### B. Criminal convictions:

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	March 04, 2010	(790704)
Item 2	November 30, 2010	(871374)
Item 3	December 21, 2010	(878132)
Item 4	April 15, 2011	(899301)
Item 5	April 05, 2013	(1075094)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

Notice of Intent Date: 12/21/2009 (789368)

No DOV Associated

Notice of Intent Date: 12/01/2011 (989637)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
GENERAL MOTORS LLC  
RN102505963

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2012-1411-AIR-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding General Motors LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an automobile manufacturing plant at 2525 East Abram Street in Arlington, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 3, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand One Hundred Twenty-Five Dollars (\$8,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Five Hundred Dollars (\$6,500) of the administrative penalty and One Thousand Six Hundred Twenty-Five

Dollars (\$1,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On November 14, 2011, reported the failure to submit a minor permit revision application to incorporate the requirements of 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart IIII by April 26, 2007 in the deviation report for the April 26, through October 25, 2011 reporting period; and
  - b. On February 9, 2012, obtained the renewal of Federal Operating Permit ("FOP") No. O1151 that incorporated the requirements of 40 CFR Part 63, Subpart IIII.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit a minor permit revision application for FOP No. O1151, in violation of 30 TEX. ADMIN. CODE §§ 122.110(a) and 122.217(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1151, Special Terms and Conditions No. (1)(F), as documented during an investigation conducted on February 21, 2012. Specifically, a minor permit revision application to incorporate the requirements of 40 CFR Part 63, Subpart IIII was due to be submitted no later than April 26, 2007, but was not submitted until July 26, 2011.

2. Failed to report all instances of deviations within 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE § 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01151, General Terms and Conditions, as documented during an investigation conducted on February 21, 2012. Specifically, the semi-annual deviation reports for the reporting periods from April 26 through October 25, 2009, October 26, 2009 through April 25, 2010, April 26 through October 25, 2010, and October 26, 2010 through April 25, 2011 did not include the deviation for failing to submit a minor permit revision application for FOP No. 01151 in a timely manner.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: General Motors LLC, Docket No. 2012-1411-AIR-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and

accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pam D. Mancini*  
For the Executive Director

11/25/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Paul Graham*  
Signature

7/21/14  
Date

PAUL GRAHAM  
Name (Printed or typed)  
Authorized Representative of  
General Motors LLC

PLANT MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.